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Attorneys for Defendant
AMERICAN HONDA MOTOR CO., INC.

[additional counsel listed in signature block]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE ELIAS MORALES AGUIRRE, on behalf
of himself and other similarly situated,

Plaintiffs,

v.

AMERICAN HONDA MOTOR CO., INC.,

Defendant.

Case No. 4:22-cv-06909-HSG

**JOINT STIPULATION REGARDING
PLAINTIFF'S PROPOSED MOTION FOR
SUMMARY ADJUDICATION; AND
ORDER**

1 Plaintiff Jose Elias Morales Aguirre (“Plaintiff”) and Defendant American Honda Motor
2 Co., Inc. (“AHM” or “Defendant”) (collectively the “Parties”) respectfully submit this request for
3 the Court’s approval to continue the motion for class certification that is currently scheduled to be
4 filed by May 8, 2025, by seventy-five (75) days to avoid simultaneously briefing class certification
5 and AHM’s anticipated motion to stay this litigation; to allow AHM to further consider whether, in
6 lieu, of class certification, Plaintiff should file a motion for summary adjudication on the limited
7 issue of whether the head gasket is a warranted part under the California Emissions Warranty as a
8 matter of law; and to resolve a narrow subset of open discovery and deposition issues that impact
9 class certification.

10 In support of this request, the Parties state as follows:

11 On January 14, 2025, the Court entered an Order on the Parties’ Further Joint Stipulation to
12 Modify Case Schedule which, among other things, rescheduled Plaintiff’s motion for class
13 certification to May 8, 2025. ECF 54.

14 As a result of the meet and confer process regarding Plaintiff’s class certification motion,
15 AHM has stated that it intends to file a motion to stay this litigation on a number of grounds,
16 including the ripeness doctrine, in light of ongoing regulatory discussions related to the issues in
17 this case. Specifically, it is AHM’s position, based in part on information provided during
18 depositions in this case, that CARB and AHM have been engaged in meetings and discussions to
19 address the issue of whether the head gaskets at issue in this case should be covered under the
20 California Emissions Warranty.

21 These discussions were most recently referenced in the recent depositions in this case of
22 CARB’s PMK Thomas Montes on February 27, 2025. During his deposition, Mr. Montes was asked
23 about the status of CARB and AHM’s ongoing discussions regarding the coverage of certain other
24 parts under the California Emissions Warranty, namely, the torque clutch converter. Mr. Montes
25 explained that CARB is considering a proposal by Honda for extended warranty coverage on the
26 torque clutch converter. Montes Tr. at 28. In the context of that discussion, Mr. Montes also noted
27 that CARB’s ongoing discussions with AHM have included recent discussions concerning the
28

1 coverage of head gaskets. *Id.* at 29. Referring to the nature of the discussions, Mr. Montes stated,
2 “But as I mentioned, this is ongoing and pending; so we *will* have future meetings with Honda to
3 continue these discussions.” *See id.* at 28 (emphasis added).

4 These discussions between CARB and AHM are important to this litigation as one of the
5 important issues in this litigation is whether the head gaskets at issue in this case should be covered
6 under the California Emissions Warranty. Parties respectfully request a reasonable, limited
7 continuance of the class certification motion to allow hearing a motion to stay by AHM, which it
8 anticipates filing on or before April 30, 2025.

9 During the meet and confer process regarding Plaintiff’s motion for class certification (and
10 prior to learning from the CARB deposition about the discussions above between AHM and CARB),
11 the Parties also discussed Plaintiff’s proposal to file a motion for summary adjudication, in advance
12 of the current motion for class certification, on the limited issue of whether the head gasket is a
13 warranted part under the California Emissions Warranty as a matter of law. The Parties discussed
14 what other issues might be addressed in the motion such that, following a ruling on the motion for
15 summary adjudication, the Parties would confer regarding next steps in this matter, including
16 whether a motion for class certification would still be required, (and if so, it would likely be more
17 streamlined). This plan is also consistent with the Parties’ prior discussion as set forth in the last
18 Joint Stipulation (ECF 53 at 3) (“In addition, based on discovery to date and discussions between
19 counsel, the Parties disagree over a fundamental, threshold legal issue regarding the scope of
20 emissions defect warranty coverage, specifically, whether the California Regulations extend
21 emissions defect warranty coverage to basic mechanical components, such as the head gasket, in
22 Partial Zero Emissions Vehicles (PZEVs). This critical threshold legal issue is central to the claims
23 in this case and will significantly impact the scope and direction of the litigation moving forward.
24 The Parties are considering whether it is procedurally efficient for a form of a motion for legal
25 determination to address this threshold legal question, prior to the briefing of Plaintiff’s certification
26 motion.”).

1 In light of the above-referenced ongoing discussions between AHM and CARB regarding
2 whether the head gasket should be covered under the California Emissions Warranty, the Parties
3 have agreed to defer their discussions regarding Plaintiff's summary adjudication motion until there
4 is more clarity regarding CARB's determination.

5 Further, the Parties have been engaged in a protracted meet and confer arising out of fifty-
6 eight (58) spreadsheets and other vehicle data produced by AHM that Plaintiff is analyzing in
7 connection with class certification, and regarding a FRCP 30(b)(6) deposition of AHM and another
8 deposition of a third party that Plaintiff has noticed and is in the process of confirming regarding
9 that data. Prior to this stipulation and pursuant to this Court's Standing Order, before moving to
10 compel the AHM deposition, Plaintiff sent Plaintiff's portion of the Joint Letter Brief to AHM, and
11 also sent a detailed follow up letter setting forth the exact information that Plaintiff required from
12 AHM. AHM provided a full response to this fully addressing the issues raised. Plaintiff thereafter
13 provided a revised Joint Letter Brief, and AHM's response is pending. The revised schedule
14 discussed herein will also allow the Parties additional time to fully address, and hopefully resolve,
15 the discovery dispute without Court intervention, as well as addressing Plaintiff's recent April 18,
16 2025 discovery responses and document production, AHM's meet and confers with CARB about
17 supplementation of its production, and AHM's ongoing efforts to pursue a vehicle inspection from
18 the current non-party owner. No new discovery will be propounded by either side.

19 Accordingly, the Parties respectfully request that this Court continue the class certification
20 schedule by 75 days. The new deadlines are set forth below. Within 60 days of the order on this
21 stipulation, the Parties will submit a status report regarding the status of AHM's discussions with
22 CARB and, if appropriate, a proposed schedule for filing Plaintiff's motion for summary
23 adjudication and temporarily vacating class certification deadlines until the motion for summary
24 adjudication is resolved or a motion to compel the deposition of AHM, as discussed above.

25 The Parties propose the following schedule in connection with the foregoing request:
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Activity	Current Date	Proposed Date
Fact Discovery Cutoff	April 22, 2025	Parties to continue to address currently pending discovery by June 17, 2025
Deadline to submit updated status report	N/A	60 days from order on stipulation
Deadline for motion for Class Certification, and for disclosures and reports of any experts Plaintiff intends to rely on at class certification	May 8, 2025	July 22, 2025
Deadline for any opposition to a motion for class certification; for Defendant's disclosures and reports of any experts Defendant intends to rely on at class certification; and for any motion by AHM to limit or exclude Plaintiff's class certification expert testimony based on Daubert or any other basis	August 15, 2025	October 29, 2025
Deadline for Plaintiff's reply in support of a motion for class certification; deadline for Plaintiff to challenge AHM's class certification expert testimony based on Daubert or any other basis	November 25, 2025	February 9, 2026
Hearing on motion for class certification	December 18, 2025	March 5, 2026

A proposed Order is submitted concurrently.

If the Court intends to conduct a status conference to discuss any of the foregoing, Plaintiff's lead counsel is unavailable on April 25, 2025.

Dated: April 22, 2025

Respectfully submitted,

SHOOK, HARDY & BACON L.L.P.

By: /s/ Amir Nassihi
AMIR NASSIHI

Attorneys for Defendant
AMERICAN HONDA MOTOR CO., INC.

Dated: April 22, 2025

Respectfully submitted,

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By: /s/ Ari Y. Bassar
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Attorneys for Plaintiff

CERTIFICATION OF COMPLIANCE WITH N.D. L.R. 5-1(h)(3)

Pursuant to L.R. 5-1(h)(3), I attest that concurrence in the filing of this document has been obtained from the above signatories.

By: /s/ Ari Y. Basser
Ari Y. Basser

ORDER

PURSUANT TO STIPULATION, THE FOLLOWING SCHEDULE IS ENTERED:

Activity	Current Date	Proposed Date
Fact Discovery Cutoff	April 22, 2025	Parties to continue to address currently pending discovery by June 17, 2025
Deadline to submit updated status report	N/A	60 days from order on stipulation
Deadline for motion for Class Certification, and for disclosures and reports of any experts Plaintiff intends to rely on at class certification	May 8, 2025	July 22, 2025
Deadline for any opposition to a motion for class certification; for Defendant's disclosures and reports of any experts Defendant intends to rely on at class certification; and for any motion by AHM to limit or exclude Plaintiff's class certification expert testimony based on Daubert or any other basis	August 15, 2025	October 29, 2025
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Dated: April 22, 2025

HON. HAYWOOD S. GILLIAM JR.

